

**FORT LAUDERDALE COMMUNITY REDEVELOPMENT AGENCY (CRA)  
8<sup>TH</sup> FLOOR CONFERENCE ROOM  
CITY HALL**

**Tuesday, May 6, 2003**

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Mayor Naugle called the meeting to order at approximately 2:00 p.m. Roll was called and a quorum was present.

Present: Chairman Naugle  
Commissioner Cindi Hutchinson  
Commissioner Christine Teel  
Commissioner Carlton Moore  
Commissioner Dean Trantalis

Absent: None

Also Present: City Manager  
City Attorney  
City Clerk

**Approval of Minutes**

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson to approve the minutes of the March 4, 2003 meeting. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Teel, Trantalis, and Mayor Naugle. NAYS: None.

**Appointment of Special Counsel**

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Teel to authorize the hiring of Special Counsel to review the proposed lease and other development documents to be entered into with Palazzo Las Olas Group, LLC.

Commissioner Trantalis asked if they had defined the parameters of the special counsel.

The City Attorney stated there was a narrow scope for them to look at the documents and review the consistency between the documents and evaluate the RFP, along with the responses, and check for consistency in those documents also.

Commissioner Trantalis asked if it was determined there was not a consistency in the documents, he asked if the special counsel would make recommendations as to how to reform the documents or would they make a determination regarding the termination of the agreement.

The City Attorney stated there was no thought regarding the termination of the agreement, the special counsel would simply point out the errors. Direction would then be sought from the Commission as to how to proceed.

Commissioner Trantalis asked if this had been done through an open selection process. The City Attorney stated that he began looking at larger firms who had conflicts. He stated he then began evaluating smaller firms and individuals, and if there were no actual conflicts, there were philosophical ones. He stated he was concerned about philosophical conflicts, as well as real conflicts. He explained he began evaluating various individuals and in speaking with other attorneys, this name arose.

Commissioner Trantalis further asked if any consideration had been given to negotiate a cap on the fees.

The City Attorney explained that they did not really cap the fees since they were unsure of what they might be, but he anticipated the amount of work involved was in the neighborhood of 100 to 120 hours, which would total about \$20,000 to \$25,000. He suggested that a cap could be placed at \$25,000, and the situation could be reviewed when they reached about \$18,000 to \$20,000 to see how much work was remaining.

Commissioner Trantalis asked how big was the lease. The City Attorney stated it was about 2" thick and contained about 20 exhibits. He explained that the actual lease was about 50 to 60 pages.

Mayor Naugle explained there were two leases, which had to be examined. One was the lease being proposed, and the other was the boilerplate lease included in the RFP. The City Attorney explained there was the Developer's Agreement, the agreements between the property owner's association and the City regarding the garage, and there were about 6-7 documents dealing with the lease, leasehold interest, and the inter-relation between the parking and private portions of the project.

Commissioner Trantalis asked for further clarification of the time frame. The City Attorney stated that there was another item on the agenda regarding deferring of this matter. He believed it would take about 100 to 120 hours. He felt the earliest it would be before the Commission would be late July. He recommended when this matter was deferred, it include all items, and be deferred until September 2003. He suggested possibly for the second meeting in September since the Commission recessed in August and the first meeting normally had a lengthy agenda.

Commissioner Moore stated that he felt this was highly unusual since there were a large amount of people on the CRA staff who had spent time and money on this issue and the concerned documents, and now they were asking if these documents met the RFP requirements.

Commissioner Hutchinson left the meeting at approximately 2:08 p.m. and returned at 2:10 p.m.

Commissioner Moore felt this project was no different than others handled in the past by the CRA. He further asked how many people had worked on this development agreement and for what period of time.

Chuck Adams, Beach Redevelopment Manager, replied that this was the 4<sup>th</sup> RFP.

The City Attorney stated that most of the other development projects had been put out for an RFP and the City basically sold the land to the developer. He explained those were the "vanilla" projects, and this project was more of a "rocky road" project and more difficult. He stated this was a joint public/private venture. He explained there would be separate structures, which would be adjacent to one another, and they were asking the special counsel to take a "fresh pair of eyes" and review the documents for internal consistency, including the RFP. He explained further the City of Pompano had done the same thing in regard to their discussions involving the Swimming Hall of Fame.

Commissioner Moore reiterated that he could deal with all the points being made, but to say they were not on the road and that the RFP should be evaluated, he felt was not a necessity.

Mayor Naugle stated everyone was entitled to their opinion, but he was concerned about the RFP. Commissioner Moore stated he was talking about the legitimacy of this.

The City Attorney stated that they were going to have to refer to the RFP to see whether the documents were consistent, but he believed it was consistent and whatever recommendations were to be made would go through his office.

Commissioner Moore reiterated that individuals were on City staff who reviewed the documents and stated they were consistent.

Roll call showed: YEAS: Commissioners Moore, Hutchinson, Teel, Trantalis and Mayor Naugle. NAYS: None.

**Las Olas Intracoastal Municipal Parking Lot and Redevelopment Parcels A and B - Lease Agreement and Development Documents with Palazzo Las Olas Group, LLC**

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Trantalis to defer this item until Tuesday, September 16, 2003. Roll call showed: YEAS: Commissioners Hutchinson, Teel, Trantalis and Mayor Naugle. NAYS: Commissioner Moore.

There being no further business to come before the CRA, the meeting was adjourned at approximately 2:18 p.m.